

## Exhibit D

**In The Matter Of:**  
*Dustin Erwin v.*  
*Christopher McDermott, et al.*

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*John Ferraro*  
*August 21, 2012*

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1 individuals were in a given group when there's a 2 bachelor party? 3 A. No. 4 Q. Do you know as you sit here today one 5 way or the other whether Mr. Erwin was part of a 6 bachelor party? 7 A. I knew he had a group. Whether or not 8 it was a bachelor party, I wouldn't know that. 9 Q. You don't know that one way or the 10 other? 11 A. No. 12 Q. You don't recall any of the people 13 that he was with as you sit here? 14 A. No. 15 Q. In fact, you say you don't recall his 16 physical appearance either, if I understood you 17 correctly? 18 A. No. It's just too far when I found 19 out about this. 20 Q. I am correct you do not recall his 21 appearance? 22 A. No, I do not. 23 Q. I'm trying to avoid the double 24 negative. It's as simple as that.	1 off stage and said he was previously abusing 2 them verbally as well, and I witnessed it 3 myself. 4 I approached him again and told him 5 again, I'm not going to tell you again, you will 6 be asked to leave if this behavior keeps up. We 7 just can't have it. 8 He continued to do it because -- I was 9 back out in the lobby. The next girl got off 10 stage, came back to me and complained, and at 11 that point -- 12 Q. Do you know her name? 13 A. I don't. 14 Q. Can you actually tell me the whole 15 conversation between you and her? 16 A. Again, same thing, he's calling us -- 17 calling all the girls names that are onstage 18 and, again, whore, sluts was the predominant 19 thing that people were saying. 20 Q. What's the next thing that happened? 21 A. At that point after that complaint I 22 approached Mr. Erwin and told him it was time to 23 go. 24 Q. You personally?

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1 Q. Fair enough.  
2 How many different ones are there?  
3 A. There's right now three or four, four.  
4 Q. And how do they decide what shifts  
5 they're working -- strike it.  
6 Who decides what shifts they work?  
7 A. They work it out between themselves.  
8 That's one thing that we don't do is schedule  
9 for them. They work it out amongst themselves.  
10 Q. So you could come on a given night and  
11 not know who the house mom is going to be?  
12 A. It's never happened where there wasn't  
13 one, so they work it out.  
14 Q. No, I meant -- but you wouldn't know  
15 which one?  
16 A. I'm pretty aware usually of who will  
17 be there. I see them at the beginning of the  
18 week, and I ask who will be there for the week,  
19 and they tell me.  
20 Q. How do they get paid?  
21 A. They get paid --  
22 MR. PHAFF: Is this the house moms?  
23 MR. SINSHEIMER: Yes.  
24 A. By check.

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1 Q. But I meant hourly?  
2 A. Hourly.  
3 Q. So they keep track of their own hours?  
4 A. Yes.  
5 Q. Punch a clock?  
6 A. They don't, no.  
7 Q. They come and go, and they're sort of  
8 on the honor system, for lack of a better  
9 phrase?  
10 A. Pretty much. I mean, I know what  
11 nights they're there, and they get paid for --  
12 their shift goes from 6 approximately until 2  
13 p.m. on a weekend, 6 to 1 on a weeknight, and I  
14 pay them for those hours.  
15 MR. BERMAN: You just said 6 p.m.  
16 to 2 p.m. --  
17 THE WITNESS: I meant 6 p.m. to 2  
18 a.m., sorry, on the weekend.  
19 BY MR. SINSHEIMER:  
20 Q. And you have no recollection of who  
21 the house mom was on August 10th?  
22 A. No.  
23 Q. And if I understood you correctly, but  
24 I want to be careful about this because I'm not

1 trying to put words in your mouth, you have no  
2 recollection of the name of any individual that  
3 actually complained about Dustin Erwin?  
4 A. No.  
5 Q. I am correct, in other words?  
6 A. You are correct.  
7 Q. But your recollection is that each  
8 person who complained was an entertainer as  
9 opposed to floor staff?  
10 A. Yes.  
11 Q. Do you remember the nature of any  
12 complaints?  
13 A. Yes.  
14 Q. What were the complaints?  
15 A. He was standing near the foxy stage.  
16 We have two stages on the main floor. One is  
17 the main stage, one is the foxy stage. The foxy  
18 stage is located close to the bar.  
19 And there were entertainers that were  
20 getting off stage and complaining to me that he  
21 was yelling words such as fucking slut, fucking  
22 whore and also throwing hard coins at them while  
23 they were onstage.  
24 Q. So he was pointed out to you?

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1 A. Yes.  
2 Q. Were you able to observe any of his  
3 friends?  
4 A. I knew he had friends there. There  
5 were a lot of people around the stage, and I  
6 knew he was talking to several people, but I  
7 couldn't exactly say who his friends were and  
8 who were just regular patrons of the club.  
9 Q. Would you agree with me that the Foxy  
10 Lady generates some patronage as a result of  
11 bachelor parties?  
12 A. I'm sorry, one more time?  
13 Q. I'll withdraw it and rephrase it.  
14 It's not uncommon for there to be  
15 bachelor parties at the Foxy Lady?  
16 A. That is not uncommon.  
17 Q. In fact, that would be an area of  
18 business that you would like to enhance or  
19 preserve?  
20 A. Not necessarily.  
21 Q. It's good business, let's put it that  
22 way, a big group comes in together?  
23 A. Yeah, it can be.  
24 Q. Is there any way of knowing how many